THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 24055 OF 2003

Dated 25th July 2007

Between:

Devara Guravaiah & another

…Petitioners

and

The Commissioner, Kavali Municipality,
Kavali, Nellore District.

…Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 24055 OF 2003

O R D E R:

The petitioners are residents of Kavali Municipality. They own pigs. Respondents 1 and 2 have initiated steps for killing stray pigs, in the limits of Municipality, to prevent the spread of the disease 'Ensephilin'. The petitioners challenge the same, on the ground that no opportunity was given to them for shifting, nor any area was acquired, for this purpose.

Heard the learned counsel for the petitioners and learned Standing Counsel for the Municipality.

Identical question came to be dealt with by a Division Bench of this court, in ***A.P. ADIMAJATI SEVA SANGHAM v. GUNTUR MUNICIPAL COUNCIL***[1]. After discussing the matter from various angles, this court laid the guidelines to be followed, in this regard, which are as under:

"1) The Government on its own and by issuing appropriate directions to the Municipal Corporations, Municipalities and Gram Panchayats, identify places outside the limits of the cities, towns and villages for locating the pig-establishments.

2) It is desirable to identify 3 or 4 alternative places and give the choice of selection to the pig-owners to move into;

3) As far as possible the areas should be identified within a distance of 3 to 5 Kms., from the end of the Municipal or Panchayat limits and the places selected should be such as would ensure proper surroundings for the survival of the pigs.

4) Specific extents of land, whether it is waste-land, poramboke or otherwise may be allotted to the petitioners and other pig-owners, either on payment of a specified lease amount or may be sold to them on such terms as may be found mutually acceptable.

5) Once the areas are identified and the petitioners and other pig-owners make a choice they must be allowed to move into the respective places within three days. All possible help should be rendered to them to move out as it is not only a question of moving the pig establishments outside, but even the owners have to move their residences to be in the close vicinity of the areas where the pig establishments are located.

6) The petitioners and other pig-owners should be asked to make applications for written permissions or licences and the authorities concerned should grant written permissions or licences within one week from the date of receipt of the applications in accordance with law.

7) In order to establish that a pig has licence, it is desirable that the authorities concerned supply to the pig-owners tokens to be hung around the neck of the pigs so that any pig not having a token around its neck shall be considered to be an unlicenced pig and it will be open to the Government to destroy the same.

8) Periodical supervision should be made by the authorities concerned to satisfy themselves that licensed pigs are not straying into the city, town and village limits.

9) The petitioners and other pig owners should be educated about their obligation to rear the pigs in a proper manner and comply with the statutory formalities."

Following the said judgment, this writ petition is disposed of, in the same terms. There shall be no order as to costs.

25th July 2007

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[1] AIR 1987 A.P. 193